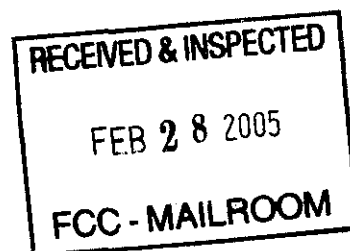




Educational Consortium for
Telecommunications Savings

LETTER OF APPEAL YEAR 2004-2005



February 18, 2005

Request for Review

Federal Communications Commission
Office of Secretary
445 12th Street, SW
Washington, DC 20554

DOCKET FILE ONLY

Subject: Administrator's Decision on Appeal of Funding Year 2004-2005
Dated: December 27, 2004

Applicant Name: Northmor Local School District
Form 471 Number: 393317
Funding Year 7: 07/01/2004 – 06/30/2005
Billed Entity Number: 129742
CC Docket No. 02-6

Contact Information: Thomas L. Miller
133 N. State Street
Newtown, PA 18940
Voice Number: 215-504-5043
Fax Number: 215-504-5047
e-mail: tmiller@e-rate-ects.org

Dear Reader:

This letter is to timely appeal the SLD's decision not to fund FRN number 00001109854. We are requesting that the decision not to fund this request be reversed and that funding be approved for this FRN.

This funding request was denied because, the 470 cited, "This FRN is a request for Telecommunications Services from a provider that does not provide Telecommunications on a common carriage basis". This FRN is for a T-1 line. The appeal was denied (*See Attachment A*)

We are appealing to the FCC because the SLD did not address the SPIN number issue we raised in our appeal but instead focused on the service provider not being a common carriage carrier.

As we explained in our appeal to SLD (*See Attachment B*) the issue of the service provider being or not being a registered common carriage carrier was not the basis of our

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appeal. The basis of our appeal was that a SPIN number from a different division of SBC was given to the school and that this problem was never presented to the school. Northmor was never contacted and not given the opportunity to clarify and correct the SPIN number issue. Had the reviewer directed our attention to *this issue of a SPIN number representing an ineligible service provider*, we would have contacted SBC to get the correct SPIN number. We would have then requested that the SLD make a SPIN number Change. This type of change is routinely made by the SLD and is not an unusual request.

We are asking that in the spirit and intent of the E-rate Program, that the SLD be *consistent* in making its decisions and that the SPIN number be changed from 143005175 SBC-Ameritech Interactive Media to 143001688 SBC Ameritech Ohio (a common carriage carrier).

If this category change is not made it will mean that the Northmor School District is being treated differently from other schools and held to a different standard which would not be fair. The Northmor School District is requesting that this Funding request decision to deny this funding for \$3,132.00 be reversed and approved for this funding year of 2004-2005.

Please contact me should you need any additional information.
I have been the authorized contact person on this application throughout. Thank you.

Sincerely,



Thomas L. Miller
for Northmor School District

Certification # 7003 1010 0002 7097 0317

Return Receipt Requested



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year 2004-2005

December 27, 2004

Thomas L. Miller
Educational Consortium for Telecommunications Savings
133 North State Street
Newton, PA 18940

Re: Applicant Name: Northmor Local School District
 Billed Entity Number: 129742
 Form 471 Application Number: 393317
 Funding Request Number(s): 1109854
 Your Correspondence Dated: August 6, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 1109854
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD decision to deny the funding request because the selected service provider is an ineligible telecommunications provider. You state that the T-1 line was listed on the Form 470 under Telecommunications and Internet Access. You also state that the reviewer never notified you that SBC-Ameritech Interactive Media was not a common carriage telecom provider. If you had been notified, you indicate that you would have requested a SPIN number change to SBC Ameritech Ohio. You provide a page of a SBC Ohio bill for local service to support a SPIN change.
- After thorough review of the appeal, relevant facts and documentation, it was determined that you requested funds for Telecommunications Service from a provider that does not provide telecommunications on a common carriage basis. According to the information

submitted during the Form 471 review process, you requested funds for Telecommunications Service from SBC Ameritech. In Block 5, Item 13 and 14 of the Form 471, you listed SBC-Ameritech Interactive Media Services (SPIN 143005175) as the service provider. However, SBC-Ameritech Interactive Media Services does not offer telecommunications service on a common carriage basis. It is the applicant's responsibility to ensure the accuracy and correctness of the information provided on the Form 471. Per program rules, Telecom services are eligible for discount as long as the services are being provided on a common carriage basis. Further, as the original Form 471 request was denied because the services were provided by an ineligible telecommunications provider, the SLD cannot grant your request for a SPIN change to cure service provider ineligibility.

- Your Form 471 indicates that you selected a service provider that has not been designated as an eligible telecommunication carrier in the USAC database: SBC-Ameritech Interactive Media Services. FCC regulations provide that telecommunications carriers are eligible for universal service support. 47 C.F.R. § 54.501(a). The FCC has determined that to be eligible to receive universal service support for telecommunications services, the provider must provide telecommunications services on a common carrier basis. Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 134 (rel. May 8, 1997). An Eligible Telecommunications Provider (ETP), a USAC term used for "telecommunications carrier," is an entity that provides telecommunications services, i.e., transmission services on a common carriage" basis. To be a telecommunications carrier, the carrier must (1) allow the customer to transmit information of its own design and choosing, without change in the form or content of the information, and (2) provide that capability for a fee directly to the public, or to such classes of users as to be effectively available to the public (i.e., hold itself out to serve indifferently all potential users).
- USAC makes commitments for Telecommunications Services for applicants when the service provider is identified in USAC's database as an ETP; but, notwithstanding that identification, it is the service provider that is responsible for ensuring it meets these requirements in all instances of discounted telecommunications services. All telecommunications carriers are required under FCC rules to file an FCC Form 499A. By filing a Form 499A and checking at least one of the boxes on line 227, USAC may designate a service provider as an eligible telecommunication provider in its database. Your appeal has not brought forth persuasive information that SLD has erred in its determination. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an

appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Brent Winand
Northmor Local School District
5247 County Road 29
Galion, OH 44833-9742



Educational Consortium for
Telecommunications Savings

LETTER OF APPEAL YEAR 2004-2005

August 6, 2004

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Subject: Appeal of Funding Commitment Letter Dated July 20, 2004

Applicant Name: Northmor Local School District
Form 471 Number: 393317
Funding Year 4: 07/01/2004 – 06/30/2005
Billed Entity Number: 129742

Contact Information: Thomas L. Miller
133 N. State Street
Newtown, PA 18940
Voice Number: 215-504-5043
Fax Number: 215-504-5047
e-mail: tommillerects@e-rate-ects.org

Dear Reader:

This letter is to timely appeal the SLD's decision not to fund FRN number 00001109854. We are requesting that the decision not to fund this request be reversed and that funding be approved for this FRN.

This funding request was denied because, the 470 cited, " This FRN is a request for Telecommunications Services from a provider that does not provide Telecommunications on a common carriage basis". This FRN is for a T-1 Circuit.

We believe that this FRN should be funded this reason:

The funding request for a T-1 line was listed on the 470 form 988390000475057 under the "Telecommunications" and the "Internet Access" categories. When the 471 was filed the T-1 service was listed under the category of "Telecommunication" but the SPIN number that was used **143005175** was from a service provider that was not a "Common Carriage Telecom Provider", **SBC-Ameritech Interactive Media**. The SPIN number that should have been used is **143001688** identifying the service provider as **SBC Ameritech Ohio** (refer to the SBC Monthly Statement). As you can see these are two different divisions in the SBC Telecom Corporation.

When we were contacted by the SLD during the review process we were asked to provide documentation to support the T-1 circuit funding. We provided the requested documentation for the reviewer. Unfortunately the issue of the listed service provider SBC-Ameritech Interactive Media not being a common carriage telecom provider was never brought to our attention by the reviewer. We stated in our response to the reviewer that if there were any questions or issues that needed to be clarified to please contact us. *The reviewer never responded.* Had the reviewer responded, directing our attention to this ineligible service provider issue we would have asked that the SLD to make a SPIN number change. This type of change is routinely made by the SLD and is not an unusual request.

We are now respectfully asking that in the spirit and intent of the E-rate Program, that the SLD make this requested SPIN number change from SBC Ameritech Interactive Media – 143005175 to SBC Ameritech - Ohio 143001688.

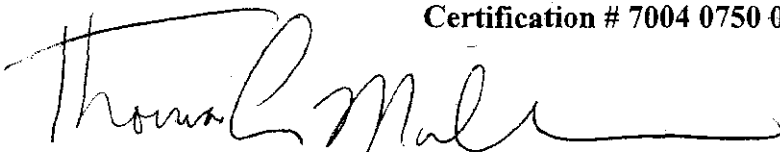
If this SPIN number change is not made it will mean that the Northmor Local District is being treated differently from other schools and held to a different standard which would not be fair. The Northmor Local School District is requesting that this decision to deny this requested funding for \$3,132.00 be reversed and approved for this funding year of 2004-2005.

Please contact me should you need any additional information. I have been the authorized contact person on this application throughout. Thank you.

Sincerely,

Certification # 7004 0750 0002 5527 0589

Return Receipt Requested



Thomas L. Miller

for Northmor Local School District